



The Application and Prospects of Intellectual Property- Based Credit Guarantees in Banking Practices in Serang City

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Abstract

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The use of intellectual property (IP) as collateral for bank loans, although regulated under Government Regulation No. 24/2022, still faced significant challenges in practice. These included difficulties in determining fair market value due to IP's intangible nature, the lack of standardized valuation systems, complex execution mechanisms in cases of default, and the limited readiness of specialized appraisal institutions. Banks applied prudential principles because IP was considered a higher-risk asset. This study used a qualitative empirical juridical approach based on primary, secondary, and tertiary data analyzed descriptively. The results showed that IP certificates had strong legal and economic prospects as collateral for creative entrepreneurs and rights holders, as they already met legal criteria. However, their practical use as bank collateral in Serang City remained limited and not yet optimal.

A. Introduction

Government Regulation No. 24/2022 provides legal certainty and new opportunities for registered intellectual property (IP) owners to access financing.¹ However, stronger technical implementation is still required from relevant stakeholders:

¹ Government Regulation of the Republic of Indonesia Number 24 of 2022 on the Creative Economy

1. The establishment of a specialized Independent Standardized Intellectual Property Appraisal Service Institution has not yet been formed. Local banks find it difficult to determine the fair value of collateral due to the scarcity of recognized professional appraisal institutions.²
2. Synchronization in the Fiduciary Collateral Registration System through the process of registering Intellectual Property collateral at the Directorate General of AHU is not yet fully synchronized with the bank's credit risk assessment (5C principle: Character, Capacity, Capital, Collateral, Condition). And 7 P's: personality, party, purpose, prospect, payment, profitability.³
3. Legal uncertainty regarding intellectual property-based collateral, especially related to copyright. Although PP 24/2022 covers copyright, the literature does not sufficiently discuss that copyright (especially moral rights) is difficult to separate from its creator, making banks afraid to execute it.⁴

Implementation at the local banking level: key challenges Local banks such as BPR, BJB, and Bank Banten tend to be conservative. The literature has not highlighted the following issues:

1. Risk management. Local banks prefer physical assets (land/buildings). Using intellectual property (patents, trademarks, copyrights, industrial designs, DTLST) as primary collateral is often considered too risky, and the literature has not discussed ways to mitigate this risk.⁵
2. The lack of human resources who are capable and understand intellectual property. Local banks often lack staff who are able to assess the potential of the creative economy.⁶

Commercialization value remains a key barrier. In practice, banks are reluctant to accept intellectual property as collateral when the creative product has not demonstrated consistent royalty income. Although Government Regulation No. 24 of 2022 permits the use of intellectual property as loan collateral, its implementation faces significant obstacles, challenges, and risks. These include difficulties in determining fair market value due to the intangible nature of intellectual property and the absence of standardized valuation methods. Additional barriers include the complexity of execution

² Suyud Margono, *Hukum Kekayaan Intelektual*, Bandung, Pustaka Reka Cipta, 2015

³ Muhammad, D., & Djubaedillah, R. *Hak Milik Intelektual*. Bandung: Citra Aditya Bakti, 2014.

⁴ Mulyani, S. "Pengembangan Hak Kekayaan Intelektual sebagai Collateral untuk Kredit Perbankan." *Jurnal Dinamika Hukum*, Vol. 12 No. 3, 2012. <https://dinamikahukum.fh.unsoed.ac.id/index.php/JDH/article/view/128>

⁵ Akbar T, "Implementasi Hak Cipta sebagai Jaminan Pemberian Kredit Bank Dikaitkan dengan Prinsip 5C," *Jurnal Hukum* (2021): 5.

⁶ Hermansyah. *Hukum Perbankan Nasional Indonesia*. Jakarta: Kencana Prenada Media Group, 2013.

procedures in cases of default and the limited readiness of institutions that provide specialized intellectual property valuation services. Banks must apply the prudential principle when assessing the high-risk characteristics of intellectual property. Normatively, the regulation aims to provide legal access to financing for creative economy actors while ensuring sufficient legal certainty for banks to accept intellectual property as collateral. This study examines the prospects of intellectual property as bank loan collateral and the application of intellectual property certificates as collateral in Serang City.⁷ It uses a qualitative method with an empirical juridical approach, supported by primary, secondary, and tertiary data analyzed descriptively. The results indicate that intellectual property certificates have strong potential as collateral for creative entrepreneurs and certificate holders. Legally, intellectual property certificates meet the requirements for bank collateral.⁸ However, their practical application in Serang City remains limited.

Economic development depends on supporting the rights of creative economy actors, which strengthens Indonesia's economy. One key measure is issuing Intellectual Property Rights certificates. In the globalization era, intellectual property can serve as working capital by functioning as loan collateral. The government, through the Directorate General of Intellectual Property, must encourage registration to expand financing access through intellectual property certificates.

Intellectual property is an asset with measurable economic value and is classified as an intangible asset in corporate accountin.⁹ Indonesia has established legal frameworks that allow intellectual property, including patents, to serve as banking collateral. A patent is an exclusive right granted by the state for technological inventions. Patent protection promotes innovation, strengthens competitiveness, and supports national development and social welfare. Strong protection motivates inventors to improve the quality and quantity of their innovations and fosters a stable business environment.¹⁰

The intellectual property registrations in Banten increase annually. Since Government Regulation No. 24 of 2022, intellectual property has been formally recognized as collateral for loans from financial institutions, including banks. Serang City has strong creative economy potential and ranks among the most active regions in intellectual property registration in Banten Province. Many MSMEs and creative actors lack physical assets such as land

⁷ Law of the Republic of Indonesia Number 65 of 2024 concerning the Third Amendment to Law Number 13 of 2016 on Patents.

⁸ Law of the Republic of Indonesia Number 31 of 2000 on Industrial Designs.

⁹ Cholis, R. *Konsep Hukum Hak Kekayaan Intelektual (HKI): Sejarah, Pengertian, dan Filosofi Pengakuan HKI dari Masa ke Masa*. Malang: Setara Press, 2015.

¹⁰ Abdulkadir, M. *Kajian Hukum Hak Kekayaan Intelektual*. Bandung: Citra Aditya Bakti, 2017.

or buildings for collateral. Intellectual property offers an alternative, expanding financing access while providing legal protection and economic value for innovative works.

Table 1.1 Intellectual Property Ownership Data

NO	TYPES OF INTELLECTUAL PROPERTY	ANNUAL OWNERSHIP OF BANTEN PROVINCE					
		2020	2021	2022	2023	2024	May 2025
1	Patent	68	80	65	66	137	10
2	Copyright	1850	2452	3757	4564	5024	1610
3	Brand	6567	7036	8509	10659	12923	5237
4	Industrial Design	179	223	276	305	384	88

Source: Banten Provincial Legal Office (2025)

Although the number of Intellectual Property certificates continues to increase, they are not widely used as collateral for bank financing. Most financial institutions still rely on physical assets in credit assessments. This condition reflects a gap between the economic potential of intellectual property and its utilization within the national financial system. Nevertheless, intellectual property offers new opportunities for creative industry actors to access financing.¹¹

The government's issuance of Government Regulation No. 24 of 2022 on the Creative Economy, effective July 12, 2022, represents an important policy innovation. The regulation recognizes intellectual property as eligible collateral for credit from banks and non-bank financial institutions. Its objective is to expand financing access for creative industry actors and strengthen the creative sector as a pillar of the national economy.¹²

The creative economy originates from the creative industry, as defined in the 2009–2015 Creative Economy Development Plan issued by the Ministry of Trade. The creative industry relies on creativity, skills, and individual talent to generate economic value and employment through innovation and the commercialization of creative outputs. In Indonesia, the creative economy consists of 18 subsectors, including animation, architecture, design, photography, music, handicrafts, culinary arts, fashion, research and development, publishing, film, advertising, interactive games, performing

¹¹ Adawiyah, R. "Pengaturan Hak Kekayaan Intelektual dalam Masyarakat Komunal di Indonesia." *Jurnal Ilmiah Hukum Kenotariatan*, Vol. 10 No. 1, 2021. <https://doi.org/10.28946/Rpt.V10i1.672>

¹² *Government Regulation of the Republic of Indonesia Number 24 of 2022 on the Creative Economy.*

arts, fine arts, television and radio, and video. These subsectors are closely linked to intellectual property.¹³

Banks face difficulty determining the economic value of intellectual property certificates, particularly those with limited commercialization. Intellectual property is an intangible asset that is more difficult to liquidate than physical collateral in cases of default. In addition, Indonesia has limited certified appraisal institutions capable of valuing intellectual property, especially outside major urban centers. As a result, banks remain conservative and prioritize physical collateral. Banks must strengthen their understanding of intellectual property characteristics, while business actors need greater awareness of intellectual property registration and certification as valuable economic assets.¹⁴

The use of intellectual property as collateral represents an innovative financing mechanism. However, its implementation is constrained by the lack of valuation infrastructure and banks' concerns regarding the liquidity of intangible assets.¹⁵ In Serang City, increasing awareness and encouraging intellectual property registration are essential initial steps.

Conceptually, intellectual property qualifies as collateral because it is a property right with economic value. Collateral must have sufficient value to cover the debt in cases of default. Intellectual property can serve as collateral if it has proven economic value, is registered with the Directorate General of Intellectual Property, and remains within its legal protection period. The characteristics of valid collateral include:

- 1) A direct connection to a specific asset controlled by the debtor;
- 2) Transferability or retention by the rights holder;
- 3) The principle of *droit de suite*, meaning the right remains attached to the object regardless of ownership changes;
- 4) Priority over other claims;
- 5) Legal transferability to another party.

As transferable property, intellectual property meets the requirements of secured collateral. Patents provide a clear example. Law No. 65 of 2024, which amends Law No. 13 of 2016 on Patents, Article 108(1), explicitly permits patents to be used as fiduciary collateral. Law No. 42 of 1999 on Fiduciary Guarantees regulates fiduciary security as a legally recognized collateral mechanism in Indonesia, alongside pledges and liens. Banks may extend credit to individuals or legal entities, including creative economy actors, for consumptive or productive purposes through binding agreements that comply with Articles 1320 and 1338 of the Civil Code.¹⁶

¹³ *Law of the Republic of Indonesia Number 20 of 2016 on Trademarks and Geographical Indications.*

¹⁴ Riduan, S. *Seluk-Beluk dan Asas-Asas Hukum Perdata*. Bandung: PT Alumni, 2010.

¹⁵ Suarjana, W. "Peran Hak Kekayaan Intelektual dalam Membina Inovasi dan Implikasi Hukum." *Jurnal Cakrawala Hukum*, tanpa tahun. <https://doi.org/10.36312/jcm.v4i3.1955>

¹⁶ Civil Code of Indonesia (Kitab Undang-Undang Hukum Perdata).

Law No. 10 of 1998 on Banking requires Indonesian banks to operate based on economic democracy and the prudential principle.¹⁷ This principle is fundamental to banking performance, particularly in credit allocation¹⁸. Banks risk losing public trust if they fail to apply prudent risk assessment. Therefore, banks conduct thorough analyses of prospective debtors before approving credit to evaluate their repayment capacity.¹⁹

Collateral is a key factor in the credit approval process. Banking operations depend on public trust, and loaned funds originate from public deposits that must be safeguarded.²⁰ Accordingly, banks must apply prudential standards when extending credit, including to creative economy actors. Collateral provides legal protection if the debtor defaults, enabling banks to recover disbursed funds through enforcement procedures. Although Government Regulation No. 24 of 2022 recognizes intellectual property as valid collateral, banks and financial institutions still require commercial certainty regarding its value and enforceability.²¹

Bank Indonesia Regulation No. 14/15/PBI/2012 on Commercial Bank Asset Quality Assessment does not explicitly include intangible movable assets such as intellectual property. Article 43 specifies collateral eligible for asset quality assessment, including:

- 1) Securities and publicly traded shares listed on the Indonesian Stock Exchange;
- 2) Land, buildings, and residential property secured by mortgage rights;
- 3) Machinery integrated with mortgaged land;
- 4) Aircraft or ships exceeding 20 cubic meters secured by mortgage;
- 5) Motor vehicles and inventories secured by fiduciary guarantees; and
- 6) Warehouse receipts secured by warehouse receipt guarantees.

Under this provision, individuals or legal entities that possess only intangible assets, such as intellectual property, cannot qualify for bank credit guarantees under Article 43 of Bank Indonesia Regulation No. 14/15/PBI/2012.²² A collateral agreement forms an integral part of the credit agreement between debtor and creditor. This agreement reflects two interrelated interests: the debtor requires accessible financing, while the creditor requires legal certainty and repayment security. When intellectual

¹⁷ *Law of the Republic of Indonesia Number 10 of 1998 on Banking.*

¹⁸ Satrio, J. *Hukum Hak Jaminan Kebendaan*. Bandung: Citra Aditya Bakti, 2002.

¹⁹ Akbar, T. "Implementasi Hak Cipta sebagai Jaminan Pemberian Kredit Bank Dikaitkan dengan Prinsip 5C." *Jurnal Hukum*, 2021. <https://Law.Ui.Ac.Id/V3/Language/En/Copyright-As-A-Fiduciary-Guarantee-Hampered->

²⁰ Ekaptiningrum, K. *Perlindungan Pengetahuan Tradisional di Indonesia: Perlu Aturan Tegas*. Universitas Gadjah Mada, 2009.

²¹ Detisa, M. P. "Kredit Macet dan Penerapan Prinsip Kehati-hatian dalam Perbankan." *Lex Crimen*, Vol. 5 No. 3, 2016. <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/11680>

²² *Peraturan Bank Indonesia Nomor 14/15/PBI/2012 tentang Penilaian Kualitas Aset Bank Umum.*

property is used as collateral, creditors must ensure its enforceability and economic reliability.²³

Creative economy actors require stronger support to access financing. Article 1 paragraph (4) of the Creative Economy Regulation defines an intellectual property–based financing scheme as financing that uses intellectual property as collateral for loans from banks and non-bank financial institutions.²⁴ This scheme aims to expand financing access for creative economy actors. However, its implementation remains challenging because intellectual property is intangible, which increases lender risk. Clear standards and institutions for intellectual property valuation are still limited, creating uncertainty in determining credit limits.²⁵

Government Regulation No. 24 of 2022 provides a legal framework that enables creative economy actors to apply for loans using intellectual property as collateral. This intellectual property–based financing scheme allows financial institutions to accept intellectual property rights as secured assets. Access to such financing is expected to help creative actors overcome capital constraints and support the development and commercialization of their creative products.

Although intellectual property meets the legal criteria for collateral under banking law, Indonesian banks remain cautious in accepting it. Key obstacles include uncertainty regarding economic valuation, ownership verification, and enforcement mechanisms. These limitations increase legal and financial risk for banks, particularly within Indonesia’s declarative intellectual property registration system and the absence of detailed technical regulations governing intellectual property as collateral.

These obstacles stem from the absence of specific regulations governing intellectual property as collateral. This regulatory gap increases the risk for banks when accepting intellectual property rights as secured assets. Legal rules are intended to provide certainty and protection for both lenders and borrowers. Without clear provisions, banks lack sufficient assurance regarding the enforceability and reliability of intellectual property collateral.

Several factors hinder the use of intellectual property as collateral, including uncertainty over ownership, economic value, marketability, and legal authority to encumber intellectual property rights²⁶. The absence of detailed implementing regulations contributes to these challenges and

²³ Wahyuni, N., & Hum, M. “Penerapan Prinsip 5C dalam Pemberian Kredit sebagai Perlindungan Bank.” *Lex Journal*, tanpa tahun. <https://doi.org/10.25139/lex.v1i1.236>

²⁴ World Intellectual Property Organization. *Global Innovation Index 2022*, 2022.

²⁵ Khoirunisa, Q., Mayana, R. F., & Muchtar, H. N. “Implementasi Skema Pembiayaan pada Hak Cipta dalam Ekonomi Kreatif.” *Eksekusi*, Vol. 5 No. 2, 2023. <https://doi.org/10.24014/Je.V5i2.24010>

²⁶ Hermansyah. *Hukum Perbankan Nasional Indonesia*. Jakarta: Kencana Prenada Media Group, 2013.

increases the perceived risk for banks.²⁷ Comprehensive legal frameworks are necessary to regulate intellectual property as collateral, particularly to standardize valuation and provide legal certainty in credit transactions in Indonesia.²⁸

Valuation remains a fundamental legal and practical issue. Determining the economic value of intellectual property is complex due to its intangible nature and fluctuating commercial potential. Banks must rely on qualified appraisers to assess the fair value of assets such as trademarks and copyrights. However, Indonesia has a limited number of specialized intellectual property appraisers and valuation institutions, including in Serang City. This limitation increases institutional reluctance to accept intellectual property as collateral. In addition, banks require legal certainty that intellectual property collateral can be enforced and liquidated if the debtor defaults.

Based on the description of the background of the problem, the following questions were formulated: 1) What are the prospects of intellectual property being used as collateral for bank loans in Serang City?, 2) How can intellectual property certificates be used as collateral for bank loans in Serang City?

This study used a qualitative method with an empirical juridical approach. Qualitative research aimed to understand phenomena through descriptive and interpretive analysis. It examined experiences, perspectives, motivations, actions, and social interactions within their natural context using systematic scientific methods²⁹

This research applied empirical juridical analysis, also known as sociological legal or field research, which examined applicable legal provisions and their implementation in society³⁰ The qualitative approach emphasized observation and interpretation to explain the meaning of legal and social phenomena. It focused on human actors, institutions, and their interactions to understand legal practices and behavior³¹

The study used primary and secondary data. Primary data were obtained directly from banking institutions in Serang City. Secondary data were collected through literature review, including books, journals, articles, and laws related to intellectual property as bank collateral. These included:

- a. Primary legal materials, such as Intellectual Property Law, Banking Law, and Government Regulation No. 24 of 2022;
- b. Secondary legal materials, including legal textbooks, journals, and scholarly publications;
- c. Tertiary legal materials, such as reports, reference books, and relevant supporting publications.

²⁷ Salim HS, *Perkembangan Hukum Jaminan di Indonesia* (Jakarta: Raja Grafindo Persada, 2014), hlm. 118–120

²⁸ Satrio, J. *Hukum Hak Jaminan Kebendaan*. Bandung: Citra Aditya Bakti, 2002.

²⁹ Moleong, L. J. *Metodologi Penelitian Kualitatif*. Bandung: Remaja Rosdakarya, 2010.

³⁰ Bambang Waluyo, *Penelitian Hukum dalam Praktek* (Jakarta: Sinar Grafika, 2012), hlm. 75

³¹ Basri, H. *Metodologi Penelitian Sejarah*. Jakarta: Restu Agung, 2014.

The data of this study were obtained using the following techniques. Sugiyono:³²

- a. Interviews with intellectual property experts, bank representatives, and relevant institutions to examine the application of intellectual property as collateral in Serang City;
- b. Literature review through systematic identification and analysis of relevant legal and academic sources.

Data were analyzed using qualitative descriptive analysis to examine, interpret, and summarize findings related to the legal and practical use of intellectual property as bank collateral.³³

B. Discussion

1. Prospects for Intellectual Property in Banking Guarantees in Serang City

The prospects for using intellectual property as banking collateral in Serang City were promising, driven by the growth of micro, small, and medium enterprises and the creative industry. Intellectual property, including trademarks, copyrights, and patents, had economic value that could serve as collateral, particularly for business actors without tangible assets. Legally, intellectual property was recognized as a transferable intangible asset, creating opportunities for more inclusive financing schemes. However, implementation faced challenges, including limited valuation mechanisms, legal risks in collateral execution, and insufficient understanding within the banking sector.

When intellectual property was used as collateral, banks, as creditors, had the legal authority to enforce economic rights if the debtor defaulted. Enforcement was based on the collateral agreement and included legal protection against infringement to preserve asset value³⁴. Banks could execute collateral through ownership transfer by private sale or public auction, subject to registration with the Directorate General of Intellectual Property to ensure legal certainty. Banks could also monetize intellectual property through licensing to third parties, allowing them to generate economic returns without immediately transferring ownership. Licensing and auction mechanisms provided alternative solutions for resolving non-performing loans.³⁵ The effectiveness of intellectual property as collateral depended on clear

³² Sugiyono. *Metode Penelitian Kualitatif*. Bandung: Alfabeta, 2023

³³ I Made Pasek Diantha (Winartha), *Metodologi Penelitian Hukum Normatif dan Empiris* (Jakarta: Kencana, 2016), hlm. 155.

³⁴ Intan, Y. N., & Budhisulistiyawati, A. "Efektivitas Jaminan Perorangan dalam Penyelesaian Kredit Bermasalah." *Jurnal Privat Law*, Vol. 8 No. 1, 2020. <https://doi.org/10.20961/privat.v8i1.40383>

³⁵ Claudya, F., Harry, M., Sumampouw, J., & Tamengkel, L. F. "Analisis Kredit Macet (PT Bank Sulut Tbk di Manado)." *Jurnal Administrasi Bisnis*, 2016. <https://doi.org/10.35797/jab.v4.i1.%25p>

regulations, reliable enforcement mechanisms, and adequate banking sector understanding of its legal and economic characteristics.

Intellectual property has become a strategic sector in Indonesia's economy, with strong potential as collateral in bank financing. Intellectual property, including patents, trademarks, copyrights, and industrial designs, carries significant economic value and supports the growth of creative and innovative businesses. This sector covers industries driven by creativity and innovation, such as art, design, music, film, and information technology.

The government has strengthened legal protection for intellectual property owners, enabling them to use their rights as collateral for bank loans. At the IPXPOSE Indonesia 2025 exhibition held in Jakarta on August 13–16, the government and related stakeholders promoted intellectual property protection and recognition, emphasizing that intellectual property certificates can serve as loan collateral. The World Intellectual Property Organization has also supported the use of intellectual property to advance the creative and digital economy. Intellectual property has therefore evolved from a symbolic form of recognition into a tradable economic asset that can be sold, licensed, or used as collateral. From the perspective of reward theory, this development reflects the economic benefits granted to creators through intellectual property rights.³⁶

Reward theory emphasizes that intellectual property rights serve as state recognition for individuals and entities that create and innovate. This recognition provides both moral and economic benefits, including exclusive rights to use and commercialize intellectual property for a defined period. In this context, intellectual property registration enables creators to access business financing by using intellectual property certificates as collateral.

According to the Ministry of Law and Human Rights, intellectual property contributions to national GDP increased steadily between 2020 and 2025. In 2024, intellectual property contributed IDR 1,105 trillion, or approximately 7% of GDP, placing Indonesia among the leading countries globally in intellectual property–based economic output. Intellectual property protection enhances the value of creative products, strengthens competitiveness, and supports innovation and commercialization.³⁷

As the administrative center of Banten Province, Serang City demonstrated strong economic potential, particularly in the creative economy, including food, fashion, crafts, and digital technology. This sector contributed significantly to local economic growth and created opportunities for micro, small, and medium enterprises (MSMEs).³⁸ However, limited access to bank

³⁶ iNews Pagi. *IPXPOSE 2025, Sertifikat Kekayaan Intelektual Bisa Jadi Kolateral* (Video YouTube), 2025

³⁷ Direktorat Jenderal Kekayaan Intelektual. *Indikasi Geografis*, 2025

³⁸ Susanti, L. E. "Economic Law Creation Beautiful Global Indonesia." *Jurnal Bestuur*, Vol. 7 No. 1, 2019. <https://doi.org/10.20961/bestuur.v7i1.42701>

financing remained a major obstacle, largely due to the lack of physical collateral.

The potential of intellectual property as collateral increased when it generated measurable cash flow through brand licensing, patent royalties, or copyright monetization. From a reward theory perspective, when intellectual property demonstrated economic value, the state and financial institutions were expected to recognize it by expanding financing access, including its acceptance as collateral.

The use of intellectual property as collateral offered an alternative financing solution, particularly for MSMEs in Serang City without adequate physical assets. According to an interview with Mr. Fery from the Regional Office of Law, intellectual property registrations in Serang City increased annually, indicating that clearer regulations and royalty potential encouraged business actors to register their intellectual property.³⁹

In a knowledge-based economy, intellectual property became a high-value strategic asset. Business theory viewed intellectual property not only as legal protection but also as a commercial asset that could be managed, monetized, and transferred. Its use as credit collateral aligned with global economic transformation toward intangible asset based financing.⁴⁰

The value of intellectual property depended on its ability to generate cash flow and strengthen competitive advantage. Strong brands, technological patents, copyrighted digital works, and industrial designs provided monetization opportunities through licensing, franchising, royalties, and brand valuation. Greater cash flow potential increased the suitability of intellectual property as collateral for credit financing.⁴¹

The Regional Office of the Ministry of Law and Human Rights of Banten Province remained committed to increasing public awareness of intellectual property protection through outreach programs. In recent months, the office conducted visits across the province, including engagement with micro, small, and medium enterprises (MSMEs). These activities aimed to improve understanding of intellectual property registration as a form of legal protection and a means of enhancing economic value.

In addition to education, the Regional Office provided technical assistance for intellectual property registration. It offered guidance to MSMEs and the public on registration procedures and explained the economic benefits of registered intellectual property, including licensing opportunities, royalties,

³⁹ Interview with Mr. Fery, Intellectual Property Officer, Regional Office of the Ministry of Law and Human Rights of Banten Province, May 7, 2025.

⁴⁰ Muhammad, D., & Djubaedillah, R. *Hak Milik Intelektual*. Bandung: Citra Aditya Bakti, 2014.

⁴¹ Mulyani, S. "Pengembangan Hak Kekayaan Intelektual sebagai Collateral untuk Kredit Perbankan." *Jurnal Dinamika Hukum*, Vol. 12 No. 3, 2012. <https://dinamikahukum.fh.unsoed.ac.id/index.php/JDH/article/view/128>

and financing access.⁴² These efforts supported innovation, strengthened legal certainty, and promoted economic development in Banten.

The outreach programs received strong positive responses, particularly from MSMEs that previously lacked awareness of intellectual property protection. Many participants learned that logos, packaging, recipes, and creative works could be legally registered and protected. This increased awareness encouraged more MSMEs to register their intellectual property assets.

Despite successful outreach efforts, some officials at the Regional Office still lacked detailed understanding of regulations governing intellectual property as bank collateral. This gap reflected broader institutional limitations in implementing intellectual property-based financing. Nevertheless, Government Regulation No. 24 of 2022 explicitly permitted intellectual property rights, including copyrights, trademarks, and patents, to be used as collateral. This regulation provided an important mechanism to expand financing access, particularly for MSMEs with limited physical assets.

Limited dissemination and understanding of regulations at the regional level created delays in policy implementation. Officials who lacked regulatory knowledge were less able to assist communities seeking to use intellectual property efficiently. Regional offices played a strategic role in connecting national policy with local implementation, particularly in supporting MSMEs seeking economic benefits from intellectual property. This gap highlighted the need to strengthen institutional capacity through technical training and cross-sector coordination, including collaboration with financial and banking authorities. Effective coordination ensured that regulations were not only communicated but also properly understood and implemented.

Outreach programs were expected to increase legal awareness, strengthen the innovation ecosystem, and support creative economy development in Banten Province. The Regional Office emphasized that intellectual property protection supported both legal certainty and business sustainability. Strengthening intellectual property protection positioned Banten as a region that supported innovation-based economic growth.

Reward theory also emphasized the state's responsibility to ensure intellectual property provided tangible economic benefits. This included establishing enforcement mechanisms and enabling intellectual property to serve as fiduciary collateral, as regulated under Government Regulation No. 24 of 2022. This regulation reflected the state's commitment to strengthening intellectual property as a financial asset for creative economy actors.⁴³

⁴² OK. Saidin, *Aspek Hukum Hak Kekayaan Intelektual* (Jakarta: Raja Grafindo Persada, 2015), hlm. 92–94

⁴³ *Government Regulation of the Republic of Indonesia Number 24 of 2022 on the Creative Economy*

Law No. 28 of 2014 on Copyright, Article 16 paragraph (3)⁴⁴, and Law No. 65 of 2024 amending Law No. 13 of 2016 on Patents, Article 108 paragraph (1)⁴⁵, recognized copyright and patent rights as potential fiduciary collateral. However, these provisions lacked detailed technical guidance on valuation methods, submission procedures, and eligibility criteria. Not all intellectual property regulations clearly addressed collateral use, creating uncertainty in practice⁴⁶. Despite these limitations, Financial Services Authority regulations permitted the theoretical use of intellectual property as collateral for credit or financing facilities, although implementation remained constrained by technical and institutional challenges. Limited access to banking services remained a major financing obstacle for business actors. Loan applications typically required collateral to secure repayment obligations. Banks remained cautious in accepting intellectual property as collateral because its intangible nature made objective valuation and liquidation difficult.

Bank Rakyat Indonesia (BRI) was one of the largest conventional banks in Serang City, while Bank Syariah Indonesia (BSI) played a major role in MSME financing through Sharia-based schemes. According to BRI Serang data from 2020 to June 2025, total People's Business Credit (KUR) disbursement in Serang City reached IDR 3.35 trillion, of which IDR 1.94 trillion was provided by BRI. In 2024, total credit realization reached IDR 2.79 trillion, an increase of 3.71% from 2023. Between 2019 and mid-2025, productive credit showed steady growth, ranging from IDR 1.8 trillion to IDR 2.9 trillion. Nationally, the BRI Group served 31.1 million consolidated microcredit customers by 2021. Similarly, BSI disbursed approximately IDR 15.42 trillion in MSME financing in 2024, with more than 131,000 KUR beneficiaries between 2021 and June 2025. Overall, about 420,000 MSMEs became Sharia KUR debtors through BSI.

Despite increasing credit demand, both BRI and BSI prioritized physical collateral with clear market value and enforceability, such as land ownership certificates (SHM), sale and purchase deeds (AJB), and vehicle ownership certificates (BPKB). According to BRI Marketing Representative Devi Sukmawati, BRI remained cautious in accepting intellectual property as collateral due to limitations in valuation systems and concerns about liquidity and execution⁴⁷. Similarly, Agung Yulian, Branch Service Manager at BSI, stated that BSI did not accept intellectual property certificates as collateral.

⁴⁴ *Law of the Republic of Indonesia Number 28 of 2014 on Copyright.*

⁴⁵ *Law of the Republic of Indonesia Number 65 of 2024 concerning the Third Amendment to Law Number 13 of 2016 on Patents.*

⁴⁶ Dharmasisya, F., & Putri, A. K. "Kelemahan Undang-Undang Hak Cipta dalam Melindungi Ekspresi Budaya Tradisional." *Jurnal Program Magister Hukum FHUI*, Vol. 2, 2022. <https://scholarhub.ui.ac.id/dharmasisya/vol2/iss2/18/>

⁴⁷ *Interview with Ms. Devi Sukmawati, Marketing Staff, Bank Rakyat Indonesia Yumaga Branch, July 14, 2025, 10:00 a.m.*

BSI required collateral with measurable and equivalent value to ensure adequate risk protection.⁴⁸

Regulatory frameworks played a crucial role in determining banking readiness to accept intellectual property as collateral. Reward theory emphasized the state's responsibility not only to grant intellectual property rights but also to ensure their economic utility through enforceable mechanisms. Government Regulation No. 24 of 2022 on the Creative Economy enabled intellectual property to serve as fiduciary collateral, reflecting the state's commitment to strengthening intellectual property as a financial asset for the creative sector.

This regulation, along with fiduciary guarantee law, provided a legal foundation for using intellectual property as collateral. However, local implementation remained constrained by limited public awareness, inadequate support infrastructure, and weak cross-sector coordination. Banking institutions also lacked internal readiness. In Serang City, Bank Rakyat Indonesia and Bank Syariah Indonesia did not yet have specialized valuation teams or systems to assess intellectual property assets. These limitations restricted intellectual property-based lending and highlighted the need for improved valuation protocols and risk mitigation mechanisms. MSMEs in Serang City also faced challenges in intellectual property management.⁴⁹

Many had not registered their intellectual property, leaving them without legal documentation required for collateral. Limited education and access to information hindered the recognition of intellectual property as an economic asset⁵⁰. In addition, Serang City lacked reliable and standardized intellectual property valuation institutions.⁵¹ Accurate and credible valuation would increase bank confidence and expand financing opportunities for creative and technology-based enterprises.

Overall, intellectual property showed strong potential as bank collateral to improve financial inclusion for MSMEs and the creative sector in Serang City. However, effective implementation required regulatory clarity, institutional readiness, valuation infrastructure, and coordinated stakeholder support to ensure sustainable regional economic growth.

2. Application of Intellectual Property Certificates as Collateral for Bank Loans in Serang City

In the evolution of legal and economic systems, various legal instruments had economic value and were used in transactions, including as collateral in

⁴⁸ interview with Mr. Agung Yulian, Branch Operation & Service Manager

⁴⁹ Hasibuan, M. S. P. *Dasar-Dasar Perbankan*. Jakarta: PT Bumi Aksara, 2011

⁵⁰ Sulasno. "Penerapan Kekayaan Intelektual terhadap UMKM." *Ajudikasi*, Vol. 2 No. 2, 2018

⁵¹ Neni, S. I. *Pengantar Hukum Perbankan Indonesia*. Bandung: Refika Aditama, 2010.

financing.⁵² In banking practice, collateral was a crucial element protecting creditors from potential debtor default. One common form of collateral involved negotiable instruments. These documents were regulated in the Commercial Code and had legal force as evidence of specific rights and obligations⁵³. Their key characteristics were that payment rights could only be claimed by presenting the physical instrument, and ownership could be transferred through endorsement or delivery.

Stocks, bonds, certificates of deposit, commercial paper, and government securities were examples of securities used as collateral in banking. These instruments had measurable economic value, were relatively liquid, and were transferable, enabling banks to resell or transfer rights if default occurred. For instance, a debtor's shares reflected ownership of company assets and dividend potential, making them acceptable collateral. Likewise, bonds and certificates of deposit had clear maturity values and could be redeemed, making them relatively secure for banks.

Documents that did not meet legal requirements as negotiable securities could not be directly used as collateral. Cooperation agreements, invoices, and vehicle ownership certificates required additional evaluation and legal binding to qualify. Although these documents had monetary value or profit potential, their legal status did not meet execution requirements that allowed banks to enforce collateral quickly and effectively.

Patents and trademark certificates indicated exclusive intellectual property rights, but their economic value varied and depended on commercialization potential that banks could not easily measure. Moreover, enforcing intellectual property rights was more complex than liquidating marketable securities or physical assets in default cases. Therefore, despite their economic potential, banks did not usually recognize such rights as collateral unless specifically regulated or supported by strong binding agreements.

According to property rights theory, intellectual property constituted an intangible asset with economic value that individuals or legal entities could exclusively own⁵⁴. In banking, trademarks, patents, copyrights, and industrial designs were viewed as intangible capital with commercialization potential. Intellectual property certificates served as legal proof of ownership and could be used as collateral in economic transactions, including bank loans.

In utilization theory, intellectual property certificates provided benefits for creators, including access to bank credit guarantees. This development represented a legal and economic breakthrough that opened opportunities, especially for creative economy businesses. In Serang City, this policy began

⁵² Riduan, S. *Seluk-Beluk dan Asas-Asas Hukum Perdata*. Bandung: PT Alumni, 2010.

⁵³ Gatot, S. *Perjanjian Utang Piutang*. Jakarta: Kencana, 2013

⁵⁴ Adawiyah, R. "Pengaturan Hak Kekayaan Intelektual dalam Masyarakat Komunal di Indonesia." *Jurnal Ilmiah Hukum Kenotariatan*, Vol. 10 No. 1, 2021. <https://doi.org/10.28946/Rpt.V10i1.672>

to attract attention as small and medium-sized enterprises (SMEs) based on innovation and local brands increased. IP certificates were no longer only legal proof of ownership but were also recognized as economic assets that could be monetized through financial institutions.

However, the use of IP as credit collateral remained limited in Serang City. This limitation resulted from low awareness among business owners and the banking sector's lack of readiness to assess intangible assets. Many SMEs did not realize that trademarks, designs, or copyrights could serve as valid legal collateral.

As the administrative center of Banten Province, Serang City served as a potential pilot area for this policy. Many local businesses produced goods and services eligible for IP protection, but few registered their works or used them as financial assets. The local government and the Ministry of Law and Human Rights regional office played a crucial role in promoting registration and awareness.

Law No. 65 of 2024, Law No. 28 of 2014, and Government Regulation No. 24 of 2022 allowed fiduciary guarantees on intellectual property. After obtaining certification from the Directorate General of Intellectual Property, owners could pledge their IP as collateral under a legal guarantee mechanism. However, effective implementation required stronger regional support, including socialization and technical assistance. Registered IP enabled business actors to access financing more securely and progressively.

A new approach was required to evaluate IP-based collateral in banking. Banks needed to cooperate with independent appraisal agencies or establish specialized units to assess market value and commercial potential. Without a clear and measurable valuation system, banks were unlikely to accept IP assets as collateral.

Based on research conducted at Bank Rakyat Indonesia and Bank Syariah Indonesia in Serang City, the use of intellectual property (IP) certificates as loan collateral remained minimal. Although IP was theoretically recognized as a valuable intangible asset, banking institutions in Serang City had not fully implemented IP-based financing systems. This was evident from the absence of internal policies regulating procedures, criteria, and evaluation methods for IP collateral.

In intellectual property economic theory, IP assets derived value from exclusivity and income-generating potential. However, banks considered this insufficient without reliable valuation and enforcement mechanisms. As a result, even though regulations permitted IP-based collateral, BRI and BSI in Serang City continued to prefer physical assets, which were viewed as more stable, easier to value, and simpler to execute in cases of default.

A major implementation challenge was the lack of qualified institutions or professionals capable of conducting objective IP valuations.⁵⁵ Valuation theory identified three main approaches: the income approach, market approach, and cost approach. However, local banks had not consistently applied these methods due to limited expertise and institutional readiness. Field findings also showed that MSMEs in Serang City had not actively registered their intellectual property.⁵⁶ This contradicted core IP principles emphasizing legal registration as the foundation for economic recognition.⁵⁷ Without official certification, IP could not serve as valid loan collateral.

Regulations such as Law No. 28 of 2014 on Copyright, Law No. 65 of 2024 on Patents, the Fiduciary Law, and Government Regulation No. 24 of 2022 on the Creative Economy established a legal framework supporting IP-based collateral. However, policy implementation theory suggested that effectiveness depended on institutional readiness at the local level. In this context, BRI and BSI in Serang City remained in an adjustment phase and lacked the technical systems necessary to accept and manage IP-based collateral.

Based on interviews with a marketing representative from Bank Rakyat Indonesia (BRI), Ms. Devi Sukmawati,⁵⁸ and the Branch Office Service Manager of Bank Syariah Indonesia (BSI), Mr. Agung Yulian, banks remained unable to accept intellectual property (IP) certificates as collateral and continued to exercise caution. The main challenges included valuation uncertainty, liquidity risk, and unclear execution procedures if the debtor defaulted. This aligned with credit risk theory, which emphasized that greater uncertainty in collateral value reduced banks' willingness to provide financing.⁵⁹

Financing innovation theory emphasized the need for banks to adapt to evolving asset forms, including intangible assets. With proper human resource training, standardized operating procedures for IP valuation, and collaboration with the Directorate General of Intellectual Property and appraisal institutions, IP certificates had strong potential to serve as alternative collateral in the future.⁶⁰

Overall, the use of IP certificates as loan collateral in Serang City still faced conceptual and technical barriers. However, intellectual property theory and

⁵⁵ Kesowo. *Pengantar Pemahaman Konsepsi Dasar Sekitar Hak Atas Kekayaan Intelektual*. Jakarta: Sinar Grafika, 2022

⁵⁶ Interview with Mr. Fery, *Intellectual Property Staff, Regional Office of Law and Human Rights Banten*, 7 May 2025.

⁵⁷ Chandra, I. *Politik Hukum dan Kekayaan Intelektual Indonesia*. Jakarta: Mandar Maju, 2011.

⁵⁸ Interview with Ms. Devi Sukmawati, *Marketing Staff, Bank Rakyat Indonesia Yumaga Branch*, July 14, 2025, 10:00 a.m.

⁵⁹ Interview with Mr. Agung Yulian, *Branch Operation & Service Manager, Bank Syariah Indonesia KCP Serang*, July 16, 2025, 10:00 a.m.

⁶⁰ Salim HS, *Perkembangan Hukum Jaminan di Indonesia* (Jakarta: Raja Grafindo Persada, 2014), hlm. 118–120.

financing innovation theory indicated significant potential for broader recognition and utilization.⁶¹ Collaboration among local governments, financial institutions, academics, and business actors remained essential to develop an ecosystem supporting IP-based collateral in financing systems.⁶²

From a business theory perspective, intellectual property possessed economic value derived from its exclusive nature, enabling holders to obtain commercial benefits.⁶³ Utilitarianism theory suggested that recognizing IP certificates as loan collateral provided incentives for creators and entrepreneurs to continue innovating, as their works gained both legal and financial recognition. Intellectual property protection theory further emphasized that IP rights served not only as moral and exclusive rights but also as economic assets capable of generating added value.⁶⁴ Legal protection encouraged creators to register their works, strengthening confidence in Indonesia's creative industry and ensuring proper recognition and protection.

Therefore, intellectual property showed promising opportunities and prospects as bank loan collateral for creators, inventors, and designers. With clear valuation regulations, broader public awareness, and stronger coordination among DJKI, local governments, and financial institutions, IP certificates could become effective alternative financing instruments for creative entrepreneurs in Serang City.

C. Conclusion

Based on the problem formulation and description of the research results and discussion, the following conclusions can be drawn:

The prospects of intellectual property as collateral for bank loans in Serang City were strong, as the law permitted IP to function as fiduciary collateral. The growth of creative businesses highlighted the need to strengthen MSMEs through digitization, human resource development, effective branding, expanded market access, and sound financial management. These efforts improved competitiveness and supported regional economic growth. Collateral diversification no longer relied only on physical assets but also included intangible assets with economic value, reducing default risk and increasing financial resilience. Support from local governments and cooperation between banks and the Directorate General of Intellectual Property remained essential to develop inclusive financing systems based on non-physical assets.

The use of certificates as loan collateral in Serang City was legally supported by Government Regulation No. 24 of 2022, which allowed creative

⁶¹ Suyud, M. *Hukum Kekayaan Intelektual*. Bandung: Pustaka Reka Cipta, 2015.

⁶² *Kementrian Hukum Dan Hak Asazi Manusia*

⁶³ Ridwan Khairandy, *Hukum Kekayaan Intelektual: Konsep dan Implementasi di Indonesia* (Yogyakarta: FH UII Press, 2013), hlm. 45.

⁶⁴ Rahmi Jened, *Hak Kekayaan Intelektual (HKI) dan Perlindungan Hukum* (Surabaya: Airlangga University Press, 2015), hlm. 60–62.

economy actors to use IP rights as fiduciary guarantees. However, conventional collateral such as land and vehicle certificates remained dominant. Although IP collateral was legally recognized, its practical implementation in Serang City remained limited and had not been fully realized.

D. Suggestion

Based on the research findings, the author recognizes several areas requiring improvement in theory and practice. The following suggestions are proposed for relevant stakeholders and future development:

1. Active efforts from the government of Serang City are needed to disseminate regulations on using intellectual property (IP) as credit collateral and to foster a supportive creative economy ecosystem. The government should also promote collaboration among businesses, banks, and the Directorate General of Intellectual Property (DJKI) to strengthen confidence in IP-based collateral.
2. Banking institutions are encouraged to adopt IP-based financing schemes and develop internal guidelines or standard operating procedures (SOPs) for assessing, securing, and executing IP collateral. Training bank personnel to understand the economic value and characteristics of IP assets is also essential.
3. Businesses in Serang City should actively register their intellectual property to obtain legal certificates. They should also learn to assess, protect, and manage IP as part of their broader business and financing strategies.

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